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Docket Administrator  
Lucent Technologies  
Room 3J-219  
101 Crawfords Corner Rd.  
Holmdel NJ 07733-3030

In re Application of	:	
CASATI et al.	:	
Application No.: 10/009,019	:	DECISION
PCT No.: PCT/GB00/01486	:	
Int. Filing Date: 18 April 2000	:	
Priority Date: 08 June 1999	:	
Attorney's Docket No.: Casati 1-1-1	:	
For: MOBILE IP DEPLOYMENT	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 24 January 2005.

#### **BACKGROUND**

On 18 April 2000, applicant filed international application PCT/GB00/01486, which designated the United States and claimed a priority date of 08 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 25 September 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 December 2001 (08 December 2001 being a Saturday).

On 05 December 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date.

On 18 March 2002, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 15 November 2002, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for

failure to timely respond to the Notification mailed 18 March 2002.

On 05 May 2003, applicants filed a "PETITION TO VACATE ABANDONMENT".

On 13 January 2005, a decision was mailed vacating the NOTIFICATION OF ABANDONMENT mailed 15 November 2002. The decision also indicated that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 January 2005, applicants filed the instant submission which was accompanied by two declarations of inventors.

### **DISCUSSION**

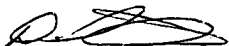
The two declarations of inventors filed 24 January 2005 are not in compliance with 37 CFR 1.497(a)-(b) since they fail to adequately identify the specification which is being executed. MPEP § 602, item "VI. Identification of Application", sets forth the combinations of information supplied in an oath or declaration filed after the filing date of the application which are acceptable as minimums for identifying a specification. The declarations filed 24 January 2005 identify the specification being executed as being "attached hereto". However, no specification is attached to either of the declarations. Attention is also directed to MPEP § 602.01 which states that the "wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed."

### **CONCLUSION**

**Applicant is required to file a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) within a time limit of ONE MONTH from the date of this decision or within the time remaining in the response set forth in the Decision mailed 13 January 2005, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Decision mailed 13 January 2005 may be extended under 37 CFR 1.136(a).**

Failure to timely file a proper response will result in **abandonment** of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer  
PCT Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty

Application No.: 10/009,019

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Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459